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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan. The report provides an assessment of the overall situation in the country since my previous report, dated 21 October 2009 (S/2009/545), as well as an update on the activities of the United Nations Mission in the Sudan (UNMIS) up to 31 December 2009.

II. Security situation

2. During the reporting period, the security situation in the Sudan remained calm in the North, with the exception of incidents in Darfur concerning which I will report separately. In the South, there were numerous clashes and attacks, mainly in Upper Nile, Unity and Jonglei States, as well as the triangle between Jonglei, Central Equatoria and Lakes States. In an apparent retaliation for attacks in September, Dinka attacked the Lou Nuer in Uror County (Jonglei State) on 17 October, reportedly killing seven people and burning 120 houses. On 16 November, a confrontation over cattle between Mundari and Dinka Aliap in Awerial County (Lakes State) reportedly left 49 people dead. Skirmishes between Shilluk and Dinka in Upper Nile State between 7 and 13 November resulted in 11 reported casualties.

3. The security situation in Bentiu remained tense following fighting between forces commanded by Governor Taban Deng Gai and the Second-in-Command of the Sudan People's Liberation Army (SPLA) General Paulino Matiep on 2 October. In order to reduce tensions, between 17 and 23 October UNMIS airlifted 297 SPLA troops loyal to Matiep from Bentiu to Juba. Continuing tensions, however, led to the temporary occupation of the Sudan People's Liberation Movement (SPLM) political bureau in Bentiu by a parallel SPLM state leadership on 2 October.

4. Following the broadcast of rumours by some unidentified radio stations that Government of Southern Sudan President Salva Kiir had died, a Southern Sudan Police Service senior official forcibly entered a United Nations building and threatened United Nations personnel on 8 October in the mistaken belief that the United Nations Radio Miraya had broadcast the report.

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5. In mid-November, the National Congress Party (NCP) appointed Governor of Upper Nile State refused to relinquish his position as ordered by presidential decree until the newly appointed Governor arrived. The resulting political crisis sparked security concerns in Malakal and led the removed governor to seek protection from elements of the Sudanese Armed Forces (SAF) Joint Integrated Unit.

6. In Central Equatoria State, the Minister for Agriculture of the Government of Southern Sudan was injured in an ambush on 15 November that left five dead and five wounded. In early December, the Upper Nile State Deputy Governor escaped an ambush while visiting Akoka County.

7. The national elections voter registration exercise was largely free of security incidents. An exchange of gunfire on 22 October in Central Equatoria between SPLA troops and the Southern Sudan Police Service escort of a registration team left one bystander dead and prompted the assignment of an SPLA General Officer to coordinate the Government of Southern Sudan election security forces. In Khartoum, SPLM supporters clashed with SPLM-Democratic Change (SPLM-DC) members at Juba University, without serious injury.

8. The seasonal north-south migration during the reporting period took place relatively peacefully. On 26 November, UNMIS received reports of an incident 100 kilometres west of Bentiu in Unity State, in which several Misseriya nomads refused to surrender their weapons to local police. The confrontation resulted in the death of two Misseriya. Misseriya cattle herders have moved into the Abyei area without any significant incident, although reports of armed Misseriya groups without cattle persist. UNMIS patrols and Abyei demarcation teams have encountered Misseriya camps in the northern parts of the area, and have been informed by the inhabitants that they would forcefully obstruct any attempt to demarcate the border. The Misseriya did not attempt to block UNMIS movement within the Abyei area.

9. The Lord's Resistance Army (LRA) continued to threaten local security in south-western communities. Operating from the Central African Republic and the Democratic Republic of the Congo, LRA launched small-scale attacks on villages in Western Equatoria State, reportedly killing 25 and abducting 23 persons. SPLA troops freed 46 internally displaced persons abducted from a camp in Western Bahr El Ghazal after an attack blamed on LRA that left three policemen dead.

10. Several United Nations staff members were victims of street robbery in Khartoum. Criminals broke into United Nations offices in both Khartoum and Kadugli.

III. Political developments

11. Tensions between NCP and SPLM escalated steadily throughout the reporting period, although agreement on some key issues was reached. Citing a lack of progress on critical legislation and reforms, on 19 October SPLM withdrew its delegation from the National Assembly. The Assembly, however, continued its session, adopting its 2010 budget on 19 November, but refrained from addressing the key legislation at the heart of the dispute. In early November, SPLM and NCP agreed to discuss all of the major remaining legislative issues in hopes of agreeing to a package deal, including the Southern Sudan Referendum Bill, the Abyei

Referendum Bill, the National Intelligence and Security Services Bill, the Popular Consultations Bill and the treatment of the disputed census results in the 2010 elections.

12. On 7 December, SPLM and opposition supporters gathered for a joint peaceful demonstration in front of the National Assembly building, and were immediately confronted by the police. Authorities arrested and detained several key SPLM and opposition figures, including SPLM Secretary General Pagan Amum, Deputy Secretary General Yasir Arman, and Khartoum State Minister of the Interior Abbas Gumma. Following the arrests, protesters gathered in several locations in Omdurman, including the Umma Party headquarters and the Sudan Liberation Movement (SLM)/Minnawi headquarters. According to several reports, police and security forces used batons, tear gas and rubber bullets to disperse protesters and forcibly enter Umma Party headquarters, after which a number of protesters were hospitalized. Several demonstrations in the South against these arrests turned violent and protesters burnt down an NCP office in Warrap State. By the afternoon, however, protesters had dispersed and those in custody were released.

13. Although SPLM and the opposition parties immediately began planning a follow-up demonstration for 14 December, the Comprehensive Peace Agreement parties took immediate steps to calm the situation, including direct meetings between Government of National Unity President Al-Bashir and Government of Southern Sudan President Kiir. On 13 December, the parties announced that they had reached an agreement that would allow the National Assembly to pass legislation governing the referendum in the South, the Abyei referendum and the popular consultations. Renewed discussions on the remaining outstanding issues continue. The opposition parties nevertheless proceeded with the planned demonstration in Khartoum on 14 December, during which authorities reportedly again used batons and tear gas on protesters and arrested a number of opposition figures and SPLM members.

14. The implementation of the 13 December agreement has proved to be problematic. The national security legislation was passed on 20 December without the support of SPLM or the opposition parties. On 22 December, legislation governing the referendum in the South was passed in a form that SPLM claimed was substantially different from that agreed to on 13 December. However, the legislation was subsequently passed in a form that met the concerns of SPLM on 29 December. Legislation enabling the holding of a referendum on the future of Abyei was also passed on 30 December and these represent important steps forward in the Comprehensive Peace Agreement implementation process.

15. Preparations for the 2010 national elections continued to dominate much of the political environment. In the absence of what they consider to be a conducive political environment for elections, SPLM and the northern opposition parties have maintained the threat of a possible electoral boycott. Nevertheless, the voter registration process began on 1 November in most parts of the country, and officially concluded on 7 December. The turnout reported for registration was significantly higher than expected, including in problematic areas of Southern Sudan and Darfur. At the same time, UNMIS has received reports of irregularities throughout the process, including the improper use of Government resources, registration of military units outside their home constituencies, and registration of more than 100 per cent of estimated eligible voters in several states. UNMIS has

communicated these irregularities to the National Elections Commission and has encouraged the Commission to address them. UNMIS has also raised its concerns about the political environment with both parties to the Comprehensive Peace Agreement.

16. The parties to the Comprehensive Peace Agreement have increasingly begun to acknowledge the need to prepare for the post-referendum period. At an UNMIS-organized symposium on 3 November, both the Foreign Minister of SPLM, Deng Alor, and Presidential Adviser Ghazi Salah-ud-Deen of NCP publicly discussed the need to lay the groundwork for a peaceful separation while continuing efforts to make unity attractive. On 5 December, the Government of Southern Sudan convened a public forum in Juba entitled "Southern Sudan: 2011 and beyond", which focused on a range of post-referendum issues, including natural resources, citizenship, security and national debts and assets. So far, however, these steps have not given rise to substantive discussions between the parties.

17. The parties have made little progress on implementing the Permanent Court of Arbitration decision on Abyei since the end of the last reporting period. Opposition to the decision has hardened significantly among some elements of the Misseriya, while misunderstandings, misinterpretations and false rumours regarding the decision have increased tensions throughout the area. The resulting security concerns, including armed obstruction of the work of the demarcation team, have effectively blocked efforts to demarcate the Abyei area border and represent a continuing threat to both the civilian population and intercommunal relations.

18. Southern Sudanese opposition figures continue to accuse SPLM of attempting to suppress opposition parties, in particular the new SPLM-Democratic Change party founded by former Foreign Minister Lam Akol. On 9 November, the Government of Southern Sudan issued an order to the Southern governors specifically instructing them not to obstruct the activities of any political party "except the so-called SPLM-DC". Lam Akol appealed the order under the Interim National Constitution, and on 3 December announced that the Constitutional Court had granted his appeal.

IV. Implementation of the Comprehensive Peace Agreement

Abyei and border demarcation

19. In Abyei, UNMIS and the United Nations Development Programme (UNDP) organized a conflict resolution workshop on 19 November to help reactivate the local-level conflict mitigation committees at the Payam and Boma levels, in which more than 20 local administrators and Boma Chiefs participated. The committees are expected to help facilitate a peaceful migration season by meeting with nomads and their leadership in their respective areas.

20. The parties have reported progress in the Technical Ad Hoc Border Committee, but procedural and substantive disagreements continue to delay its final report to the Presidency. The report is expected to define the uncontested areas of the North-South border and specify those areas on which the Committee could not reach an agreement and which require a political decision from the Presidency. UNMIS continues to assist the Committee in its efforts through specialized training and

through a planned joint assessment of the implementation of demarcation of the boundary on the ground.

Southern Kordofan and Blue Nile States

21. Security incidents involving political or ethnic violence in Southern Kordofan have decreased over the past year. The Abu Junok (Nuba) and Um Sileem (Misseriya) signed a peace accord on 5 October, ending a three-year-old conflict. The Nuba Katla and Wali also finalized a peace agreement on 12 November. New state-level institutional arrangements, including the Council of Elders ("Wise Men"), played a significant role in these accomplishments.

22. The South Kordofan State government has made significant progress in incorporating the 1,708 SPLM civil servants into its political and administrative structures, including the formation of a new committee to facilitate this process. The new committee is chaired by the State Secretary General and supported by two technical subcommittees tasked with defining staff pay scales.

23. The passage of national legislation enabling the holding of popular consultations in Southern Kordofan and Blue Nile States on 30 December was an important step forward in the full implementation of the Comprehensive Peace Agreement. The legislation provides for the commencement of the popular consultation process this year. It sets out a significant role for the legislatures of Blue Nile State and Southern Kordofan State acting through parliamentary commissions in each of the two states vis-à-vis decisions concerning their future governance.

Redeployment of the Sudanese Armed Forces and forces of the Sudan People's Liberation Army

24. The Sudanese Armed Forces have redeployed 100 per cent of their forces from Southern Sudan, while SPLA has now reached redeployment from Northern Sudan of 33.7 per cent out of the stated strength of 59,168, up from 27.6 per cent as at the date of my previous report. The parties accepted these figures in the 108th Ceasefire Joint Monitoring Commission on 16 November, along with updated disarmament, demobilization and reintegration figures in sector IV and new monitoring and verification figures in the White Lake/Jaw area. The figures do not, however, reflect the redeployment on the ground claimed by SPLA, much of which has occurred outside the scope of the monitoring and verification instruments of the Comprehensive Peace Agreement. A political agreement will be necessary to resolve these redeployments, including 9,599 "voluntarily demobilized" SPLA troops in Southern Kordofan and Blue Nile States and 32,814 otherwise unaccounted for SPLA troops.

Joint Integrated Units

25. Joint integration stands at 82.6 per cent of the mandated strength of 39,639 troops, unchanged since April 2009. The reverification exercise scheduled for completion by 15 November 2009 is still ongoing. There have been no reports of significant security incidents related to Joint Integrated Units during the reporting period, although the units remain a source of tension in some areas. Agreement to rotate the Malakal Joint Integrated Unit out of the area after the February 2009 incident has not yet been implemented.

26. On 2 November, the UNMIS Force Commander, the Ambassadors of the United Kingdom of Great Britain and Northern Ireland and the Netherlands and the Joint Integrated Unit command attended a ceremony formally transferring the required equipment (including generators, fence equipment, concrete mixers and water storage tanks) from the United Kingdom and the Netherlands.

National elections and referendums

27. Following the conclusion of the constituency delimitation process, the National Elections Commission upheld 400 of the 885 objections filed by the 14 September deadline and published its final constituency delimitation plan on 6 October. On 28 October the Supreme Court accepted 4 of the 58 legal challenges to the plan filed after publication and the Commission modified the plan accordingly.

28. As at 6 January 2010, 82 political parties had registered with the Political Parties Affairs Council. However, the main signatory of the Darfur Peace Agreement SLM/Minnawi, attempted to register as a political party but was unable to do so because the military wing of the party has, as yet, to be integrated into the national security institutions, which contravenes the Political Parties Law. UNMIS continued to support the efforts of the Council to prepare its 2009 annual performance report, develop a 2010 workplan and draft a code of conduct for political parties.

29. Voter registration commenced throughout most of the Sudan on 1 November. The process was scheduled to run until 30 November but was extended to 7 December, mainly owing to logistical difficulties encountered by the state Elections High Committees and a slow start in some areas. A total of 2,003 registration teams were established to service approximately 12,000 registration centres. As at 16 December 2009, the National Elections Commission reported the registration of approximately 16.5 million voters out of approximately 20 million estimated eligible voters, including approximately 71 per cent of the estimated electorate in the North (including Darfur), 108 per cent in the South, and 67 per cent in Darfur. The 108 per cent figure indicates that more people registered to vote than were counted during the national census. Inadequate human and financial resources could hinder the ability of the state Elections High Committees to oversee credible elections.

30. A Policy Committee, jointly chaired by the Chairman of the National Elections Commission and my Special Representative, was established earlier in 2009 to discuss and provide recommendations to the Commission and other national authorities on the delivery of credible and transparent elections. It has highlighted to the Commission the importance of addressing strategic issues, such as the need to produce a comprehensive operational plan and the requirement for freedom of movement for domestic and international observers. It has also acted as a forum for international donors and the national election authorities to discuss their respective perceptions of the overall electoral process.

31. Going forward, the electoral timetable released by the National Elections Commission calls for the period to nominate candidates to take place from 12 to 22 January, followed by the posting on 26 January of names of candidates and appeals by those whose applications were rejected. The courts will decide on these cases by 8 February, and the final list of candidates is to be published on

10 February. The election campaign is scheduled to run from 13 February to 9 April, with polling and counting scheduled to take place from 11 to 18 April.

Wealth- and power-sharing

32. The parties to the Comprehensive Peace Agreement have identified foreign reserves management, inadequate Southern Sudanese customs authorities and stalled land reforms as key economic challenges that require attention in the coming period, particularly in advance of post-2011 wealth-sharing discussions. The parties have contested control of the Bank of Southern Sudan's foreign reserves. NCP insists that these reserves are part of the national reserve, while SPLM asserts its exclusive control over the reserves.

33. The revenue from the Higlig oilfields also remains a contentious issue. NCP argues that the Permanent Court of Arbitration decision of excluding Higlig from the Abyei Area gives it exclusive rights to revenue from Higlig, while the Government of Southern Sudan insists that that Higlig revenue should be shared in accordance with the Abyei Road Map Agreement until the Boundary Demarcation Committee renders its report and the Presidency issues a decree on the status of the Higlig oilfields. The Ministry of Finance and National Economy reported that the North had transferred approximately $666.14 million to the Government of Southern Sudan between July and October 2009, pending a resolution of the issue and formal allocation of shares by the Joint Technical Committee. The Petroleum Unit of the Ministry of Finance and Economic Planning of the Government of Southern Sudan confirmed that these transfers included a deposit of $254.36 million to the Oil Revenue Stabilization Account and an initial direct expenditure deduction of $19.81 million.

34. Since my last report, the National Civil Service Commission has recommended an additional 103 Southern Sudanese candidates for appointment in the National Civil Service. The Commission has received 1,239 new applications and awaits Presidential directives on Darfurian and Eastern Sudanese representation. Given the slow pace of recruitment, lack of qualified candidates and limited funding, the Commission's capacity to fill the 8,000 to 9,000 vacant positions within the interim period remains uncertain.

V. Implementation of other peace agreements

35. With regard to the Darfur peace process, the Joint Chief Mediator is pursuing three related strands: a civil society consensus on solutions for Darfur's underlying problems, an accord between the Government and the armed movements, and improved relations between Chad and the Sudan. On 18 November, the mediation and Qatar formally launched Darfur peace talks, convening the first in a series of civil society and community forums. A new round of talks on Darfur between the Government and the armed movements is set to commence on 24 January in Doha, and it will be preceded by consultations between representatives of civil society and the armed movements from 19 to 21 January. The Government has expressed its determination to work towards the conclusion of an agreement in advance of the April 2010 elections.

36. The political and security situation in Eastern Sudan remains calm. The Eastern Sudan Peace Agreement signatories, however, have reported no progress in

implementing the outstanding provisions of the power-sharing protocol during the fourth quarter of 2009, which include increasing Eastern Sudanese representation in the national civil service and appointing local Eastern Front representatives throughout Red Sea, Kassala and Gedaref States. The Eastern Front also appears to have been split into several smaller political parties along tribal lines in the run-up to the elections, further undermining the implementation of the Eastern Sudan Peace Agreement. By November 2009, the Government of National Unity had transferred $110 million of the agreed-upon $600 million from the national treasury to the Eastern Sudan Recovery and Development Fund for local recovery and development projects. Preparations for a donor conference tentatively scheduled for February 2010 are currently under way.

VI. Implementation of the mandate of the United Nations Mission in the Sudan

Good offices, conflict management, reconciliation and peacebuilding

37. UNMIS involvement in the state stabilization processes in Southern Sudan made a visible impact on the capacities of the local institutions to provide governance and to support reconciliation. In particular, UNMIS facilitated a meeting to promote reconciliation between representatives of the Dinka of Piji County, in Jonglei State, and the Shilluk of Panyikang County, in Upper Nile State. UNMIS also initiated a County Commissioners Forum in Central and Eastern Equatoria States to promote participatory planning. In addition, UNMIS has supported the establishment of the Traditional Authorities Forum in the South as a bridge between local government and the population. In order to build the capacity of local institutions, UNMIS and UNDP staff have been embedded in key local government institutions, such as the State Ministry of Local Government, the Anti-Corruption Commission, the Civil Service Commission and the Peace Commission Directorates.

38. Given the tensions surrounding the movement of people within the Sudan, UNMIS has adopted an integrated approach in support of peaceful migration, including early warning programmes, support for peace conferences and targeted assistance at the local level. The Mission has facilitated a number of peace initiatives, including efforts of the state governments of Northern Bahr El Ghazal and Southern Darfur, which were coordinated by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and helped to ensure a relatively peaceful Rizeigat migration in October and November. Similar initiatives will be critical to support the Misseriya migration through Abyei and Southern Kordofan. Special attention is needed to ensure security and the provision of services for both migrant and receiving populations.

Military deployment and activities

39. As at 31 December 2009, 9,569 of the authorized 10,000 UNMIS military personnel were deployed in the Sudan, including 476 military observers, 200 staff officers and 8,893 troops. Based on the recommendations of the military capability study conducted in 2008, deployment of additional troops, within the Mission's authorized strength, will continue until the end of March 2010, including to Abyei and Juba. UNMIS military strength will then reach 9,990 personnel.

40. Implementation of the military capability study of 2008 is almost complete. A contingent from Zambia has arrived in Abyei, allowing sector II and III force elements to be redeployed to their original sectors; however additional assets for the Zambian contingent have not been allowed to move into the Abyei area. As at 6 January 2010, the vessel transporting additional equipment for the Bangladeshi contingent has been refused permission to dock in Port Sudan.

41. Sudanese Armed Forces elements have categorically blocked the movement of UNMIS military through the Higlig-Kharasana area. The issue was taken up at the appropriate level of both military and civilian offices, although negotiations with the Ministry of Foreign Affairs and the Ministry of Defence have made little progress to date.

42. In December 2009, UNMIS undertook pre-emptive patrolling within Western Bahr el Ghazal and Western Equatoria States in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to mitigate the effects of reported LRA activity.

43. UNMIS and UNAMID military components provided security, transport and other logistical support to the Electoral Assistance Division of UNMIS throughout the voter registration period. Lessons learned from this exercise will facilitate planning for UNMIS and UNAMID military component support for the national elections and the 2011 referendums. To date, the UNMIS Police component has trained approximately 8,000 Southern Sudan Police Service and Government of the Sudan police officers in election security.

44. Military support to efforts for disarmament, demobilization and reintegration continues, with an anticipated establishment of another site within Al Fula, located in northern sector VI. This support is being provided at the request of the Government of the Sudan.

45. The establishment and formal opening of a team site at Raga (Raga County) has allowed greater access and situational awareness within northern sector II. Coupled with the imminent construction of a team site at Talodi within sector IV, this will further enhance UNMIS military presence to support the implementation of the Comprehensive Peace Agreement.

46. Based on the lessons learned from the Abyei reinforcement efforts, and further to the military capability study, there is a need to review the force requirements for increased capability to respond to future threats. The initial assessment includes the addition of armoured personnel carriers in the UNMIS Force Reserve to improve mobility and flexibility. These vehicles could be pre-positioned in areas where the threat of violence is high. There is also a requirement for river crossing capabilities to facilitate patrolling across the Nile and Sobat Rivers. The feasibility of introducing these enhancements is being analysed.

Police

47. As at 24 November, UNMIS had deployed 98 per cent of its mandated police strength of 715 (including 90 women) to 25 team sites throughout the Mission area. Service delivery in the South remains a challenge, in part because the Southern Sudan Police Service is ill-equipped to carry out its policing functions and continues to suffer from severe resource constraints, administrative delays and difficulty in finalizing proposed policy changes.

48. UNMIS continued to train the Sudanese Police through implementation of the UNMIS training package throughout the Mission area. The UNMIS police component conducted 89 training courses for 2,084 Southern Sudan Police Service and Government of the Sudan police officers, including 127 female officers in all sectors in the period under review. In Southern Sudan, UNMIS Police conducted 50 training courses for 1,181 Southern Sudan Police Service officers, including 33 female officers, while in Northern Sudan, 39 training courses were conducted for 903 Government of the Sudan police officers, including 94 female officers.

49. The UNMIS police component continued to actively monitor, advise and assist the Government of the Sudan and the Southern Sudan Police Service in carrying out their policing functions under the co-location strategy. Forensic experts of the UNMIS police component began co-locating with the Government of National Unity Police Forensics Department in Khartoum during the period under review. The Deputy Inspector General of Police requested UNMIS assistance for training and infrastructure improvements for the Southern Sudan Police Service. Working with the Government of the Netherlands through UNDP, UNMIS supported the construction of six security monitoring posts along migration routes and Joint Integrated Police Unit accommodation in Abyei. With UNDP support, the mission launched a night patrol and opened a new community aid post in Al Baraka camp near Khartoum, and is extending the programme to four additional camps in the area.

Elections

50. UNMIS continues to build its electoral assistance capacity, and has recruited approximately 95 per cent of the Mission's electoral assistance staff. This has enabled UNMIS to expand its electoral assistance operations to 10 of the 15 Northern states. UNAMID continues to provide logistical support to the electoral process within its capacity.

51. UNMIS electoral advisers have been instrumental in encouraging the development by the National Elections Commission of a code of conduct for observers that incorporates the 2005 Declaration of Principles for International Election Observation and includes decentralized accreditation for observers.

52. UNMIS provided logistical support, training and distribution of registration material to the National Elections Commission and its state bodies throughout the voter registration period. UNMIS electoral advisers met regularly with the senior leadership of the Commission to provide legal and policy advice. UNMIS is also advising the Commission on development of election messages targeting women, youth, internally displaced persons, refugees, migrant populations, rural voters, the illiterate, persons with disabilities and other special needs groups. To complement the efforts of the Commission in civic education for voters, UNDP has established a scheme to provide small and medium-sized grants to support non-governmental organizations and civil society organizations to deliver electoral information and civic education in all 25 states.

53. Credible elections are crucial for a smooth post-election transition to the referendum. A credible process will also reduce the possibility of election-related violence and will help to legitimize bodies that will oversee the referendum processes.

54. UNDP continued to augment institutional capacity-building projects focused on electoral stakeholders and state Elections High Committees. These projects, pursued in close collaboration and coordination with UNMIS and the National Elections Commission, included preparation of unit plans for the registration process, a comprehensive election budget, procurement of goods and services funded by the Elections Basket Fund and coordination of international financial cooperation for the electoral process.

55. UNMIS has commenced recruitment of a small team to begin referendum planning, but will require additional staff to work with the two referendum commissions prior to the completion of election-related work.

Disarmament, demobilization and reintegration

56. Disarmament, demobilization and reintegration remained on track during the reporting period, albeit with some concerns over the lagging availability of reintegration opportunities. As at 31 December 2009, a total of 18,731 former combatants and members of special needs groups had been demobilized in the Sudan and had received their reinsertion packages for three months. Demobilization activities continued in Kadugli and Julud (Southern Kordofan State), and a new demobilization site was launched in Rumbek (Lakes State) on 23 October. Reintegration counselling and referral commenced in seven states and is scheduled to be conducted countrywide by early 2010. As at 31 December, a total of 1,741 former combatants in Southern Sudan and 7,149 in the Three Areas have received reintegration counselling. UNDP has started contracting reintegration services for approximately 7,000 former combatants in Southern Sudan and 4,000 former combatants in Northern Sudan. During the reporting period, funds for reintegration were received from the Governments of the Netherlands and Norway and the German Development Bank. Tentative pledges were made by the Peacebuilding Fund and the Governments of Canada and Spain. UNDP currently has a shortfall of approximately $10 million, but this figure depends on the timely disbursement of funds that have been pledged. As some of the previously made pledges have not yet been approved for disbursement, funding is still likely to be a concern considering the delay in disbursement on the one hand and the uncertainty of pledges on the other.

57. The third meeting of the disarmament, demobilization and reintegration round-table partnership (the highest-level forum for major stakeholders in the disarmament, demobilization and reintegration programme) was held in Kadugli on 3 November. Participants acknowledged that significant progress had been made since the programme was launched in February 2009. Following concerns raised in June by UNMIS and donors over the integrity of the disarmament, demobilization and reintegration programme, the Mission initiated an independent assessment of the registration and verification procedures of the demobilization process, which was conducted during the reporting period by external consultants in cooperation with the representatives of the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions, the UNMIS Disarmament, Demobilization and Reintegration Unit and donors to the national disarmament, demobilization and reintegration programme. The findings of the assessment, as presented in the final report on 28 November, highlighted, among other issues, gaps in pre-registration procedures, inconsistent use of master lists of disarmament, demobilization and reintegration candidates and ongoing confusion over eligibility

criteria for women associated with armed forces or groups. While all of these concerns were known prior to the independent assessment, the findings of the assessment should be used in a constructive manner to take corrective measures and thereby ensure both the credibility and sustainability of the disarmament, demobilization and reintegration programme in the context of further implementation of the Comprehensive Peace Agreement. In a subsequent positive development, the Government has expressed its explicit commitment to take seriously the concerns expressed in the assessment and ensure maximum cooperation and transparency.

Return and reintegration

58. As in previous years, returns of internally displaced persons increased towards the end of the rainy season when access to remote locations improved. By the middle of the year, more than 170,000 internally displaced persons were estimated to have returned to Southern Sudan (including 11,000 assisted returns) and just under 32,000 refugees were repatriated, mostly from Uganda. Overall, cumulative spontaneous returns are estimated to have reached approximately 2 million people, while total organized and assisted returns of refugees and internally displaced persons topped 263,850.

59. During the period under review, Abyei traditional and community representatives organized the return of Abyei internally displaced persons from Khartoum and White Nile State. Supported financially by the Government of Southern Sudan, approximately 1,700 individuals returned to nine locations in the Abyei area during the month of November.

Humanitarian situation, recovery and development

60. The humanitarian situation in Southern Sudan continued to deteriorate during the reporting period. A convergence of three factors is putting at least 40 per cent of Southern Sudan's population at serious risk: (a) intertribal conflict and LRA-related violence; (b) a massive food gap; and (c) the earlier fiscal shock to the Government of Southern Sudan. An estimated 2,500 people have died and 359,000 have been displaced since January 2009 as a result of intertribal conflict and LRA-related violence. More than 1.5 million people are currently receiving emergency food assistance. Some 400,000 children are benefiting from school feeding programmes. Preliminary findings indicate that crop production in 2009 will be significantly lower than the normal average annual production of 800,000 tons. Humanitarian access is also being hampered by insecurity.

61. With regard to funding, by early December United Nations organizations and non-governmental organizations had received 40 per cent of the $417 million they originally appealed for in 2009 to address humanitarian needs. United Nations organizations augmented their original appeal in mid-August with an urgent request for an additional $57 million for emergency food, nutrition and agricultural support. By the end of November, 47 per cent of this new request had been funded. In the light of the deteriorating humanitarian situation in Southern Sudan, increased funding to support the efforts of the United Nations and non-governmental organizations to expand emergency response capacities is required.

62. In Abyei, an estimated 20,000 residents remain displaced and reliant on food aid. According to Government sources, 1,758 organized returnees from Khartoum

arrived recently in target villages in the Abyei area. However, there are serious concerns about the lack of basic services in these areas, the limitations of humanitarian actors to compensate for this lack and the increased demand that will accompany the arrival of Misseriya nomads over the course of their seasonal migration.

63. The United Nations and donors, through the Sudan Recovery Fund, have started work on the extension of state authority and stabilization in Jonglei and Lakes States. In Jonglei a consultative process led by the Governor and involving the state Security Committee identified as key priorities the opening of the road from Bor to Akobo, the establishment of a radio station to promote civic education and the deployment of the Southern Sudan Police Service along key arteries. Additional funding, however, is needed to implement stabilization activities in all the states of Southern Sudan.

Human rights

64. During the reporting period some steps have been taken by the Government of National Unity in furtherance of human rights, although significant progress in the overall human rights situation in the Sudan remains to be achieved. As at December 2009, 119 children have been pardoned by the President and released from detention in connection with the May 2008 Omdurman attacks. In addition, 491 women, many accompanied by their small children, have been released from jail in Khartoum. A Child Rights Act was passed by the National Assembly to provide a legal framework for the protection of the rights of children. Discussions are ongoing on the National Intelligence and Security Services Bill and the Referendum Bill, both of which have the potential to have an impact on human rights in the Sudan. On 20 December the National Assembly gave final approval to the National Intelligence and Security Services Bill, despite opposition from SPLM and opposition parties. The Bill is contrary to the role of the National Intelligence and Security Services as set out in the Comprehensive Peace Agreement, which limits its role to gathering and analysing intelligence as opposed to retaining powers of arbitrary arrest and detention. The Bill also ensures that National Intelligence and Security Services personnel enjoy immunity from prosecution. Their powers of arrest and detention, coupled with a lack of accountability for National Intelligence and Security Service agents, are linked to allegations of serious human rights violations and will have a detrimental effect on electoral conditions in the Sudan.

65. UNMIS continues to receive complaints from political parties across the Sudan of violations of political rights associated with the electoral process. Progress has also been slow in the South in establishing and strengthening the capacity of Government institutions to prevent or mitigate the escalation of violence, and in putting in place adequate security, judicial and accountability measures to prevent impunity. In the North those institutions exist, but the legal framework provides an umbrella for many human rights violations and does not enhance accountability. Application of the death penalty in both Northern and Southern Sudan remains a matter of concern, especially when many of those on death row have not been represented by counsel during trial. In the North, at least eight child suspects who were tried in connection with the Omdurman attack remain on death row, despite Government assurances to my Special Representative for Children and Armed Conflict that no child will be executed in the Sudan. Meanwhile, women in the Sudan continue to suffer from discrimination, harmful traditional practices and

gender-based violence. The problem is particularly acute in Southern Sudan as traditional courts and state institutions uphold traditional practices that are at odds with Constitutional guarantees for women. Also of concern is the lack of progress in appointing commissioners to the Independent Human Rights Commission, an important benchmark under the Comprehensive Peace Agreement.

66. While the pace of progress in civil and political rights is slow, the low level of enjoyment of economic and social rights, including access to basic social services, also represents a major threat to peace, security and stability. This both contributes to, and is exacerbated by, increasing violence, especially in the South. Forcible evictions also continue to affect the internally displaced and vulnerable communities.

Rule of law

67. UNMIS continues to monitor and support the legislative reform process. Support to the drafting of the Prisons Bill continues through providing analysis and recommendations to the National Assembly. The Legislative Assembly subcommittee on the interior agreed to include some of the recommendations from UNMIS into the Bill. On 6 December, UNMIS provided analysis on the National Intelligence and Security Services Bill to the National Assembly. In the South, UNMIS continues its efforts in the legislative reform area, including provision of technical support for the Southern Sudan Advocates Bill. UNMIS also provided advice to the judiciary on lengthy detention and alternatives to imprisonment.

68. UNMIS deployed and co-located 37 Government-provided personnel to various locations in the mission area, including to the three transitional areas, to provide mentoring and training of national prison staff. Infrastructural support for prisons continues in Khartoum, Blue Nile State and Abyei in collaboration with UNDP and donors. In the South, capacity-building activities for prison staff continued in all states, including for female officers. Capacity-building programmes were also carried out in Wau and Torit prisons. These activities are undertaken jointly with support from the United Nations Office on Drugs and Crime.

69. In the North, the justice system remains in need of reform, and while the judicial infrastructure is more developed in the major towns, the judiciary has limited independence. In the South, legislative, judicial and law-enforcement institutions suffer from a lack of physical infrastructure, skilled professionals, transport and communications, all of which prevent access to statutory justice systems. National criminal laws and criminal procedure codes enforceable in both the North and the South need reform in order to accord with the legal framework and rights embodied in the Interim National Constitution and the Comprehensive Peace Agreement.

Protection of civilians and child protection

70. UNMIS is currently developing a mission-wide protection strategy adapted to its mandate and its complex operating environment. The strategy will include the security concept for the protection of civilians, which was developed during the reporting period as part of an inter-mission dialogue. The concept emphasizes the need for a broad spectrum of coordinated protection activities, including preventive and early-warning measures as well as integrated components of humanitarian assistance and the building of a protective institutional environment.

71. My Special Representative for Children and Armed Conflict visited the Sudan from 15 to 23 November. During her visit, a time-bound action plan to release all children associated with SPLA in Southern Sudan was signed. The Government of National Unity Minister for Justice committed not to execute children under the age of 18. UNMIS and UNAMID child protection staff will be able to follow up on this commitment and see if access will be granted to six children associated with the Justice and Equality Movement currently on death row.

72. From 19 to 21 October, UNMIS, MONUC, the United Nations Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR) and a number of non-governmental organizations met to promote enhanced United Nations coordination on addressing the LRA's grave child rights violations in the Central African Republic, the Democratic Republic of the Congo, Southern Sudan and Uganda.

73. UNMIS is chairing or servicing 20 inter-agency protection working groups operating in the Three Areas and Southern Sudan, where protection gaps are being identified and appropriate responses devised. Increased participation of the authorities in protection working group meetings with state and local officials has allowed, in some areas, for an increased role by the authorities in implementation of their protection responsibilities. For example, in Southern Kordofan UNMIS was included in the preparation of the state strategic development plan.

Public information

74. On 3 November, UNMIS organized a two-day symposium on unity and self-determination in Khartoum, which was attended by Sudanese intellectuals and politicians from Northern and Southern Sudan, as well as the diaspora. Participants focused on the need to accelerate preparations for a peaceful separation without abandoning efforts to make unity attractive.

75. UNMIS conducted regular press briefings on humanitarian conditions and international response and assisted the National Elections Commission by producing radio and video public service announcements.

76. Despite the increasing need for a nationwide independent broadcast media outlet, in particular in the lead-up to the elections, United Nations-sponsored Radio Miraya has not yet been assigned an FM frequency in Northern Sudan. However, Miraya FM is playing a key role in civic and voter education, raising public awareness and promoting political dialogue through the 14 FM stations in the South and the three-hour daily short-wave programme in the North.

Mine action

77. The United Nations has opened a total of 34,912 kilometres of road, cleared 53,647,413 square metres of land and destroyed 20,090 mines and 839,391 pieces of unexploded ordnance in the Sudan. Risk education has been provided to nearly 3 million people in affected areas and to internally displaced persons. During the reporting period, more than 980 square kilometres of land was released to local populations under the land release process. Landmines and other contamination from explosive remnants of war will continue to present challenges in the coming elections, as displaced populations begin to return to their places of origin to vote.

78. During the reporting period, the mine risk education sector led by UNICEF continued to bring awareness to affected populations with a particular focus on internally displaced persons, returnees and vulnerable communities. Victim assistance projects also continued and coordination was improved through the monthly meetings of two victim assistance working groups, chaired on a rotational basis by the National Mine Action Committee in Khartoum and the Ministry of Gender and Social Welfare in Juba.

Conduct and discipline

79. Compliance by all categories of UNMIS personnel with the United Nations code of conduct and zero tolerance policy on sexual exploitation and abuse remains very high, with training conducted in all sectors and continued monitoring and action on risk factors and trends. Three incidents of serious misconduct were reported during the period under review.

80. In partnership with United Nations organizations and national counterparts from the Government of Southern Sudan and non-governmental organizations, UNMIS extended its outreach campaigns in December to Wau and Rumbek in Southern Sudan and raised the awareness of approximately 600 local leaders, women, youth and civil society organizations on the United Nations zero tolerance policy on sexual exploitation and abuse.

Gender

81. During the period under review, UNMIS provided technical support and advice on issues relating to gender mainstreaming, particularly with respect to the electoral process. The Mission conducted a number of workshops and training sessions on women's participation in elections and chaired the Gender Elections Coordination Forum.

82. UNMIS's advocacy efforts prompted relevant ministries in Southern Sudan and the Three Areas to establish gender focal points to facilitate, support and monitor the integration of gender perspectives within Government policies and programmes.

83. UNMIS continues to promote awareness of Security Council resolution 1820 (2008) through Radio Miraya and capacity-building workshops.

HIV/AIDS

84. UNMIS continues to support integration of HIV/AIDS awareness in the disarmament, demobilization and reintegration programme. The Mission also participated in a review of the United Nations Educational, Scientific and Cultural Organization toolkit for HIV/AIDS capacity-building in schools.

Staff security

85. During the reporting period, there has been a reduction in the security phase from phase III to phase II for the Khartoum, Port Sudan, El Obeid, Gedaref and Kosti areas of Northern Sudan.

Financial aspects

86. The General Assembly, by its resolution 63/273 B, appropriated for the maintenance of UNMIS for the period from 1 July 2009 to 30 June 2010, an amount of $958.4 million. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2010, the cost of maintaining the Mission until 30 June 2010 would be limited to the amounts approved by the Assembly.

87. As at 30 November 2009, unpaid assessed contributions to the Special Account for UNMIS amounted to $144.0 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,063.6 million.

88. Reimbursement to troop-contributing Governments for troop and contingent-owned equipment costs has been made for the period up to 31 October 2009 and 30 June 2009, respectively.

VII. Observations

89. In recent weeks, the parties to the Comprehensive Peace Agreement have made important breakthroughs, allowing them to move beyond several major obstacles that had long impeded progress. Nevertheless, a return to conflict remains a very real possibility, with potentially catastrophic humanitarian, political, military and economic consequences throughout the region. Preventing such an outcome will require all the support that the international and regional communities can offer.

90. The single most important factor influencing the success or failure of the Sudanese peace process is the nature of the relationship between SPLM and NCP. With less than a year before the referendums, successfully completing implementation of the Comprehensive Peace Agreement will require an enormous exercise of political will by both parties. The current atmosphere of pervasive mistrust, in which any gain by one party is viewed as a loss by the other, dramatically undermines that political will, effectively disrupts international efforts to assist, and sets the stage for renewed conflict.

91. I welcome the support of the African Union High-Level Implementation Panel for the Sudanese peace process, as well as the continuing efforts of the Special Envoys and other key international partners. Given the wide variety of international actors contributing to this process, coordination by all stakeholders of their efforts to help the parties transform their zero-sum approach into a productive dialogue will be necessary.

92. I congratulate the parties to the Comprehensive Peace Agreement on the adoption of the Referendum Act. A free, fair, and peaceful referendum under the conditions prevalent in Southern Sudan will require a major planning and implementation effort. Accordingly, I urge the parties to appoint the Referendum Commission immediately, and to begin implementing the new law's provisions with all due haste. I also urge the parties to work closely with UNMIS to coordinate and facilitate international assistance for procedural preparations.

93. Both parties to the Comprehensive Peace Agreement have recently highlighted the urgent need to address post-referendum arrangements for unity or secession, going so far as to include in the referendum legislation a commitment to reach an

agreement on key issues. Conflicting expectations of the steps each party is to take in the days, weeks and months following the vote would pose a grave risk of igniting conflict that could prove difficult or impossible to control. Now that the Referendum Act is in place, I urge the parties to waste no time in negotiating the post-referendum agreements. The United Nations stands ready to assist in this endeavour.

94. I congratulate the National Elections Commission on the registration of a reported 16.5 million voters, under difficult circumstances and with a minimum of related security incidents. This is an important step towards holding credible national elections. However, serious challenges lie ahead. UNMIS received and passed on to the Commission reports of a number of irregularities in the voter registration process and called on it to address these issues. The parties must also resolve their continuing differences over the census results. Moreover, a number of stakeholders continue to raise concerns about impediments to the conduct of effective political campaigns. Security during the elections will also require a major effort if voters throughout the country are to have a fair opportunity to participate. I urge the Comprehensive Peace Agreement partners to ensure a favourable environment for the holding of democratic elections, including respect for freedom of association, expression and the press and to encourage political inclusiveness. I encourage the National Elections Commission to increase its public information campaign to ensure that the voting public is well informed about the electoral process. I urge the parties to bring all legislation into line with the values upheld by the Interim National Constitution.

95. I remain extremely concerned over the continued violence in Southern Sudan that has taken so many innocent lives. I call upon the Government of Southern Sudan, which bears the primary responsibility to protect civilians in Southern Sudan, to focus all its efforts towards protecting civilians and breaking the cycle of violence. The United Nations has enhanced its efforts in this respect and stands ready to assist. I also call upon the international community to increase its efforts to help address these issues in the short term, and to build up the Government of Southern Sudan's capacity to address them in the long term.

96. The lack of progress in resolving outstanding issues in Abyei is also deeply troubling, and may pose a significant threat to the implementation of the Comprehensive Peace Agreement. Unless those involved move quickly to regain political momentum on these issues, the opportunities presented by the Permanent Court of Arbitration decision may be lost. The parties must ensure a timely and peaceful implementation of the Court's decision on Abyei and work towards long-term agreements on grazing rights, residency and other pressing issues necessary for sustainable peace in Abyei. I congratulate them on the adoption of the Abyei Referendum Act and urge them to appoint the Abyei Referendum Commission as quickly as possible.

97. The slow pace of progress on border demarcation is also a key concern, with implications for both the elections and the referendums. I call upon the parties to commit the necessary political will to accelerate this process and prevent it from becoming a major impediment to implementation of the Comprehensive Peace Agreement.

98. I welcome the continued progress made in disarmament, demobilization and reintegration, in particular the constructive engagement by the parties to the

Comprehensive Peace Agreement on this issue. It is also encouraging to note that the Government has publicly committed itself to addressing the shortcomings of the programme identified by a recent assessment. I am aware of the risk that demobilized former combatants may eventually reintegrate into an insecure environment, which may further exacerbate the threat of their return to the path of armed violence. I therefore underscore the importance of linking the formal disarmament, demobilization and reintegration process with effective community initiatives to reduce violence. Finally, I repeat my appeal to the international community to provide adequate funding for the final and most difficult phase of the programme — reintegration.

99. In conclusion, I would like to thank my Special Representative and all UNMIS military, police and civilian personnel for their continued commitment and dedication to duty. I also thank the United Nations country team and the entire humanitarian community who are working tirelessly to help those in need in the Sudan.

Annex

Military and police component as at 17 January 2010

	Military component								*Civilian police*	
	Observers		*Staff officers*		*Troops*		*Military subtotal*			
Country	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Argentina										
Australia	5	1	7	2			12	3	7	3
Bangladesh	19		27		1 413	5	1 459	5	27	1
Belgium	3						3			
Benin	4						4			
Bolivia (Plurinational State of)	13	1					13	1		
Bosnia and Herzegovina									4	3
Brazil	20		2				22			
Burkina Faso	1						1			
Cambodia	4		1		50		55			
Canada	18	1	6	3			24	4	16	1
China	12		9		426	9	447	9	7	4
Croatia			4				4			
Denmark	7		4				11			
Ecuador	17						17			
Egypt	20		18		1 246	15	1 284	15	15	
El Salvador	4						4		4	
Ethiopia									8	2
Fiji	6						6		2	
Finland			1				1			
Gambia									23	2
Germany	25	1	5				30	1	5	
Ghana									26	2
Greece	3		1				4			
Guatemala	4	1	1				5	1		
Guinea	6						6			
India	15		26	1	2 573	5	2 614	6	54	3
Indonesia	7						7		15	1
Iran (Islamic Republic of)			2						2	
Jamaica									4	5
Japan			2				2			
Jordan	11		6				17		40	2
Kenya	3	1		1	681	43	684	45	18	1
Kyrgyzstan	6						6			1

	Military component									
	Observers		Staff officers		Troops		Military subtotal		Civilian police	
Country	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Malaysia	8		2				10		6	
Mali	3						3		1	
Mongolia	2						2			
Mozambique	1						1			
Namibia	6	1					6	1	3	3
Nepal	7		8				15		40	2
Netherlands	5	1	2				7	1	9	3
New Zealand	2		1				3			
Nigeria	9		3				12		32	4
Norway	13		8				21		6	2
Pakistan	15		25		1 447	7	1 487	7	29	
Paraguay	9						9			
Peru	13						13			
Philippines	11						11		33	9
Poland	2						2			
Republic of Korea	6		1				7			
Republic of Moldova	2						2			
Romania	10		1				11			
Russian Federation	13		3		120		136		16	
Rwanda	14		3		244	9	261	9	8	1
Samoa									4	
Sierra Leone	3		1				4			
Sri Lanka	6						6		18	
Sweden	3		1				4		6	3
Thailand	9	1					9	1		
Turkey			3				3		36	2
Uganda									5	11
Ukraine	11						11		17	
United Kingdom			2				2			
United Republic of Tanzania	12						12			
United States of America									7	
Uruguay									2	
Yemen	22		2				24		10	
Zambia	14		7	1	619	26	640	27	19	4
Zimbabwe	10	2					10	2	22	10
Total by gender	**476**	**11**	**193**	**8**	**8 819**	**119**	**9 488**	**138**	**604**	**85**
Total	**487**		**201**		**8 938**		**9 626**		**689**	

UNMIS
January 2010
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
EGYPT
SUDAN
Khartoum
Juba
Yambio
Maridi
Tonit
Kadugli
Dilling
El Obeid
Ed Damazin
Malakal
Melut
Abyei
Bentiu
Rumbek
Wau
Aweil
Nasser
Asmara
Addis Ababa
CHAD
ETHIOPIA
KENYA
UGANDA
DEMOCRATIC REPUBLIC OF THE CONGO
CENTRAL AFRICAN REPUBLIC
Additional Operating Bases
Military Force Protection deployment of less than company strength is not depicted on this map.